

ALABAMA STATE BOARD OF AUCTIONEERS

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MINUTES Board Meeting July 8, 2010

The Alabama State Board of Auctioneers met on Thursday, July 8, 2010, at the Board offices in Montgomery for the purpose of conducting Board business. Those in attendance were as follows: Mr. Tommy Barnes, Chair; Mr. David Starnes, Member; Mr. Johnny Vetra, Member; Mr. Bryant Wood, Member; Mr. Bryan Knox, Member; and Mr. Buddy Ray, Secretary. Mr. Ken Garner, Vice Chair, and Mr. Mark Lane, Member, were not in attendance. The Board, consisting of a quorum, continued with a voting meeting. Also present were Mr. Keith Warren, Executive Director; Ms. Hope Paulene, Executive Assistant; Ms. Dana Billingsley, Board Counsel; and Mr. Carl Mike James, Board Investigator.

The meeting was called to order at 9:05 a.m.

The meeting was advertised on the Board's web site, www.auctioneer.alabama.gov, and the Secretary of State's website, www.sos.state.al.us, in accordance with the Alabama Open Meetings Act.

Mr. Ray made a motion to dispense with the reading of the minutes from the April 8, 2010 meeting and to accept them as submitted. The motion was seconded by Mr. Wood and unanimously approved by the Board.

The Board reviewed and considered the Recommended Orders submitted by the Administrative Law Judge regarding the administrative hearings held for Cecil Wayne Riley, Jimmy Quenn and Charles Brownlow. With regard to Mr. Riley's application for an auctioneer license, Mr. Vetra made a motion to accept the Administrative Law Judge's Recommended Order, which recommended denial of Mr. Riley's application to take the Auctioneer Examination. The motion provided that the Recommended Order is to be incorporated by reference into the Final Order of the Board. The motion was seconded by Mr. Knox and unanimously approved by the Board.

With regard to AUC Complaint 2008-25, Mr. Wood made a motion finding Mr. Charles Brownlow guilty of three (3) counts of violation of Section 34-4-20, Code of Alabama, 1975, by conducting an auction without being properly licensed. The motion included the acceptance of

the Recommendation of the Administrative Law Judge to assess an administrative fine against Mr. Brownlow in the amount of Five Hundred Dollars (\$500.00) per violation, for a total of One Thousand Five Hundred Dollars (\$1,500.00), with the fine due and payable to the Board in full within thirty (30) days of the date of the Board's Final Order. The motion provided that the Recommended Order is to be incorporated by reference into the Final Order of the Board. The motion was seconded by Mr. Knox and unanimously approved by the Board. Mr. Vetra was recused from this matter, and thus abstained from the Board's deliberation and vote.

With regard to AUC Complaint 2008-25, Mr. Ray made a motion finding Mr. Jimmy Quenn guilty of three (3) counts of violation of Section 34-4-20, Code of Alabama, 1975, by conducting an auction without being properly licensed. The motion included the acceptance of the Recommendation of the Administrative Law Judge to assess an administrative fine against Mr. Quenn in the amount of Two Hundred and Fifty Dollars (\$250.00) per violation, for a total of Seven Hundred and Fifty Dollars (\$750.00), with the fine due and payable to the Board in full within thirty (30) days of the date of the Board's Final Order. The motion provided that the Recommended Order is to be incorporated by reference into the Final Order of the Board. The motion was seconded by Mr. Wood and unanimously approved by the Board. Mr. Vetra was recused from this matter, and thus abstained from the Board's deliberation and vote.

Mr. Wood made a motion to accept the Consent Order offered to licensed apprentice auctioneer Mr. James Ray Sloan, Jr., which includes a Five Thousand Dollar (\$5,000.00) fine, revocation of Mr. Sloan's apprentice auctioneer license and restricted Mr. Sloan from reapplying for a license for five (5) years from the date of revocation, based on Mr. Sloan's admission of guilt to multiple violations of Sections 34-4-21(c) and 34-4-29(c)(3), (4), (9) and (10), Code of Alabama, 1975. The motion was seconded by Mr. Ray and unanimously approved by the Board. Mr. Knox and Mr. Starnes were recused from this matter, and thus abstained from the Board's deliberation and vote.

Mr. Warren presented the Executive Director's Report.

Mr. Knox made a motion to renew the Board's Management Services Contract with Warren & Company, Inc. for one (1) year at the current monthly rate of \$6,250.00. The motion was seconded by Mr. Wood and unanimously approved by the Board.

Mr. Knox made a motion to renew the Investigator Services Contract with Carl Mike James, for one (1) year with the current terms. The motion was seconded by Mr. Wood and unanimously approved by the Board.

Ms. Paulene presented the Executive Assistant's Report.

Ms. Billingsley presented the Legal Counsel's Report.

If allowable by statute, Mr. Ray made a motion to adopt a rule setting a \$15.00 fee for licensure verifications, with a cap of \$35.00 to \$50.00. The motion was seconded by Mr. Vetra and unanimously approved by the Board.

At approximately 10:25 a.m., the Board entered into Administrative Hearings, with the Honorable Matt Beam presiding as the Administrative Law Judge and Ms. Jeanna Boggs providing Court Reporter services.

The first hearing concluded at approximately 11:04 a.m.

The Board recessed at 11:07 a.m. for lunch.

At approximately 11:59 a.m., the Board reconvened.

At approximately noon, the Board entered into its final administrative hearing.

The Board recessed for a break at 1:23 p.m. and reconvened at 1:30 p.m.

The hearing concluded at approximately 2:08 p.m.

The Board recessed at 2:10 p.m. for a short break and reconvened at 2:19 p.m.


The Board then considered proposed changes to Rule 150-X-1-.02, Application for Auctioneer's License, to include provisions for the issuance of auction company licenses, pursuant to Section 34-4-28, Code of Alabama, 1975. Mr. Vetra made a motion to adopt the Rule as presented and to file it with the Legislative Reference Service for publication for comment in the *Alabama Administrative Monthly*, in accordance with the Alabama Administrative Procedure Act. The motion was seconded by Mr. Knox and unanimously approved by the Board. The Board also considered an amendment to Rule 150-X-1-.10, Duties of Sponsors, to include provisions for the duties of apprentice auctioneers, but referred this Rule to the Rules Committee, consisting of Board Members Bryan Knox and Dave Starnes, Board Counsel and the Executive Director, for further revisions before coming back before the Board.

Mr. Ray made a motion to increase the Auctioneer Annual Licensure Fee from \$125.00 to \$150.00, and to increase the Apprentice Annual Licensure Fee from \$75.00 to \$100.00, effective January 1, 2011. The motion was seconded by Mr. Vetra and unanimously approved by the Board.

The next regularly scheduled meeting of the Board is October 7, 2010, at 9:00 a.m.

There being no further business, Mr. Vetra made a motion to adjourn the meeting at 3:30 p.m. The motion was seconded by Mr. Knox and unanimously approved by the Board.

Respectfully Submitted,


Ken Garner, Vice Chair


Keith E. Warren, Executive Director